

EXHIBIT 10

Filed Under Seal

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1 IN THE UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

3
4 CIVIL NO. 18-1776 (JRT/HB)

5 0:21-MD-02998-JRT-HB

6 MDL NO. 2998

7
8 IN RE: PORK ANTITRUST LITIGATION

9 This Document Relates to: All Actions

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13
14 HIGHLY CONFIDENTIAL

15 REMOTE VIDEO DEPOSITION OF NOEL WHITE

16 May 13, 2022

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21 REPORTED BY: Laura H. Nichols

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23 Certified Realtime Reporter,

24 Registered Professional

25 Reporter and Notary Public

1 something you would share with competitors?

2 MR. TAYLOR: Object to form. Vague,
3 calls for speculation.

4 A. Chill and cut operations? In areas
5 like that, Eric, where there's newer technologies
6 that are beneficial to the industry, particularly
7 from an animal welfare standpoint, that is
8 possible. Was it common for us to go visit other
9 facilities or them visit ours? Only for specific
10 purposes.

11 Q. (BY MR. LIFVENDAHL:) During the 2008
12 through 2018 time period, would you be involved in
13 selling to customers such as wholesalers or
14 retailers?

15 A. Was I involved with selling?

16 Q. Yeah.

17 A. Not directly but indirectly. So I
18 had people reporting to me that would be selling to
19 them. So if there was customer visits and things
20 like that, it wasn't unusual that I would meet with
21 customers. But actually selling them product
22 myself, no.

23 Q. Do you recall who some of the large
24 pork customers were of Tyson back in 2008 through
25 2018?

1 MR. TAYLOR: Objection. Lack of
2 foundation.

3 A. You know, it gets -- there's such a
4 broad category when you say customers. For the
5 manufactured products, a wide variety of customers.
6 Oscar Meyer was a large customer. Sysco Foods
7 Distributor Service was a sizeable customer. I
8 couldn't list the top five, but we had --

9 Q. (BY MR. LIFVENDAHL:) Okay. Do you
10 recall some of the larger retail ones like
11 SpartanNash or Price Chopper or Colorado Boxed
12 Beef? Do any of those names ring a bell?

13 MR. TAYLOR: Object to form, vague.

14 A. They were all customers, Eric, all of
15 them that you mentioned. Were they in the top
16 five, top ten? I don't think so, that they would
17 have been in the top ten, but they were obviously
18 customers, I believe.

19 Q. (BY MR. LIFVENDAHL:) Do you recall
20 if the retailer and wholesaler customers would --
21 how price was negotiated with them, meaning was it
22 a request for proposal? Was it tied to any market
23 indices? Do you recall that at all?

24 A. Each one was different. So some
25 customers preferred to negotiate each and every

1 order. And I think Kroger might be an example of
2 that.

3 In other cases, we sold to them on
4 what is referred to as a formula basis. So during
5 that time period, the typical pricing mechanism
6 was as reported on the USDA, which is a government
7 report. And that is what was used for their
8 formula pricing. So it was nonnegotiated. And it
9 was priced off the reported market.

10 So we had a combination of both. It
11 really depended on how the customer preferred to
12 buy.

13 Q. Today we have talked a bit about a
14 term, "competitors," competitors of Tyson in the
15 pork market. I just want to confirm who some of
16 those are between 2008 and 2018.

17 Was JBS a competitor at that time?

18 MR. TAYLOR: Object to form. Vague.
19 And lack of foundation.

20 A. Yes. I would consider them a
21 competitor.

22 Q. (BY MR. LIFVENDAHL:) Same time
23 period, was Smithfield a competitor?

24 MR. TAYLOR: Same objections, vague
25 and lack of foundation.

1 MR. LIFVENDAHL: Jarod, on the
2 foundation, what do you need?

3 MR. TAYLOR: He was not directly
4 involved in the pork business for the whole time
5 from 2008 through 2018. So I don't know if he can
6 speak for that whole time period as to which
7 products Tyson was competing with, which companies
8 on pork specifically.

9 Q. (BY MR. LIFVENDAHL:) Okay. Between
10 2008 and 2018 when you were involved with pork, was
11 Clemens a competitor?

12 A. I would say to a small extent, they
13 are a competitor. I mean they are based on the
14 East Coast. We didn't compete for hogs. We didn't
15 compete for labor. Were they selling product in
16 the East Coast markets? Yes, as were we.

17 So in that sense, I would say
18 probably but not to the same extent of somebody
19 else.

20 Q. Between 2008 and 2018, while you were
21 involved with pork, was Seaboard a competitor?

22 MR. TAYLOR: Objection, vague. And
23 since you asked for clarification last time, I am
24 happy to shut up, Eric, or you can just let us know
25 what you mean. But when you say pork, are you